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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,140	03/11/2004	Domenic V. Apprille JR.	00216-657001	5560
26163	7590	10/18/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MICHALSKI, SEAN M	
			ART UNIT	PAPER NUMBER

3724

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,140

Applicant(s)

APPRILLE, DOMENIC V.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 and 32-67 is/are pending in the application.
- 4a) Of the above claim(s) 61-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32-60, 66 and 67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5/2, 6, 7/5/2, 8-11, 18, 28 and are rejected under 35 U.S.C. 102(b) as being anticipated by Petrillo (USPN 3,797,657), as in the previous action (5/17/2006).

3. Claims 1-5, 8, 9, 21, 28 and 32-35, 38-48, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohring et al. (USPN 5,518,114) as in the previous action (5/17/2006).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7/5/3, 29, 30, 36, 37, 59, and 60 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring as in the previous action (5/17/2006).

6. Claims 1, 18, 19, 20, 23-28, 48-50, 54, and 56-58, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca (USPN 6,041,926) as in the previous action (5/17/2006)

7. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohring in view of Petricca further in view of Rozenkranc (USPN 6,276,061) as in the previous action (5/17/2006).

8. Claim 66 is rejected under U.S.C. 103(a) as being unpatentable over Kohring as applied to claim 36 in the previous office action (5/17/2006).

9. Regarding claim 67, Kohring in view of Petricca further in view of Rozenkranc (USPN 6,276,061) as in the previous action (5/17/2006) teaches every limitation.

Kohring teaches in combination, a cartridge dispenser (figure 12) comprising a housing structure including a base (17 figure 5) dividers extending upwardly from the base which define sections for receiving cartridges (C figure 12) and retaining said cartridges in a predetermined position. Kohring further teaches a plurality of latches (38,39 figure 10), each section comprising a latch that releasably holds a respective cartridge in a latched position within the section (see figure 12). Kohring further teaches a replaceable razor cartridge comprising a blade unit and a cartridge connecting feature for connecting the cartridge to a handle by movement of the handle toward the cartridge (as seen in figure 12) the blade unit including an elongated housing (figure 12) having a

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resilient latching portion for engagement by the latch on the cartridge dispenser the resilient latching portion may be any portion of the cartridge which is engaged by the latches, since the cartridge is composed of plastic and metal, both of which are resilient and act resiliently in response to engagement by the latches of the cartridge dispenser.

Kohring does not teach a stabilizing feature disposed on any cartridge divider, configured to engage the cartridge connecting portion and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section.

Petricca teaches a razor cartridge dispenser having blade unit dividers (36 figure 10) perpendicular to the base (figure 4), and acute angled dividers (44, 22, figure 6) that extend from the ends of the respective blade unit dividers (as seen in figure 6 and 10). The angled dividers define angled regions through which the blade units pass in delivery to and removal from the blade unit regions and in which a cartridge connecting structure is received (figure 10). Petricca further teaches that the angled region of one section partially overlies a blade unit region of an adjacent section (figure 10). Petricca further teaches a stabilizing feature (54 figures 6 and 10) disposed on any cartridge divider (seen in figure 6), configured to engage the cartridge connecting portion (figure 10) and restrict movement of the cartridge connecting portion within an upper opening of the corresponding section (figure 10).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Kohring by having a cartridge divider, cartridge and stabilizing feature exactly as taught by Petricca. The motivation to add a stabilizing feature is that stabilizing a cartridge connector makes the inadvertent release of a

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cartridge less likely, which is beneficial, and it allows a cartridge with a different kind of connecting portion to be used, as in Petricca.

Neither Kohring, nor Kohring in view of Petricca teaches a trimming blade mounted along the rear edge of the cartridge.

Rozenkranc teaches a trimming blade on the rear of the cartridge (see figures), opposed to the other blades.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the cartridge of Kohring and use a cartridge with a trimming blade as taught by Rozenkranc, Or alternatively, to provide the cartridge of Kohring in view of Petricca with a trimming blade assembly on the rear edge of the cartridge, since it would provide an additional feature to those provided in a traditional razor cartridge, that is, it is a multifunctional razor cartridge and would be more marketable than a single function razor cartridge.

In the above combination of Kohring, Petricca and Rozenkranc all limitations have been addressed except for the limitation that the cartridge divider be configured to prevent damage to the trimming blade (disposed on the rear edge of the cartridge).

The Cartridge dividers of Petricca have already been combined with the holder of Kohring. In figure 3 of Petricca, 38 is seen to underlie 47, as opposed to the open space proximal the far edges of the structure. Element 38 is designed to underlie and support element 40- the clip portion of the cartridge, which indicates the relative lateral positioning of the clips, and shows that the clips when removed would cam with 47. The clip portion of the cartridge is farther out from the center of the cartridge than the blade

edges are (Examiner has personally verified by visual inspection this to be true of at least the commercially available Sensor Excel and Mach 3 razor blade cartridges, both of which have blades and a clip). The clip is always projecting further out than the blade edge. In a razor constructed as the cartridge in Rozenkranc (which is a Mach 3 style cartridge) there would be a trimming blade and clips, the clips used to retain the blades in the cartridge. This is clear when looking at the totality of the Rozenkranc and Petricca references. Since the clips are further out than the edge of the blades, the clips (40) will cam with the feature (47) and prevent 22 (the latching feature of Petricca) from damaging the trimming blade, which is disposed on the rear edge of the cartridge (as seen in Rozenkranc).

### ***Response to Arguments***

10. Applicant's arguments filed 9/15/2006 have been fully considered but they are not persuasive. Regarding applicants sole argument, that the latches of Kohring and Petrillo are not "sufficiently rigid to resist movement during removal of a cartridge...", Examiner disagrees. Examiner was absolutely correct in asserting that the latches 'resist movement'. The claim does not require the latches not to move at all, but merely requires the broadly recited *resist*. They resist, but yield due to the application of force, which *clearly and unquestioningly* meets the limitations of the claim.

Indeed, applicants own invention is identical to the cited prior art in its *resistance* to removal. But since the invention is *designed to have the cartridge be removed* the latches will *invariably yield* to an overcoming force. Even though they may be comparably *more rigid* than the prior art and the designed resilient feature on the blade

cartridge –the tabs are plastic and will yield to some extent. The tabs do not resist *all movement*, but yield to some small degree in response to the force applied by the comparably resilient cartridge members.

Examiner did not err in saying that the tabs of Kohring and Petrillo are sufficiently rigid to resist movement during removal of a cartridge.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

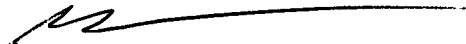


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMM



KENNETH E. PETERSON  
PRIMARY EXAMINER